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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,244	10/27/2000	Amit D. Agarwal	249768031US1	5382

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PERKINS COLE LLP
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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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7

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Commissioner for Patents

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3625

Office Action Summary

Application No.

09/699,244

Applicant(s)

AGARWAL, AMIT D.

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-74 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is a response to a communication received on 10/22/2003.

Priority

2. This application has a priority date of 7/11/2000 (the provisional application 60/217,333).

Drawings

3. The drawings were received on 10/27/2000. These informal drawings are acceptable for examining purposes.

Election/Restrictions

4. Since it is a SERIOUS burden to the examiner to examine many different inventions in this application, and in the response on 10/22/2003, the applicant argues that "this is NOT a SERIOUS burden to the examiner - the restriction is improper"; the examiner respectfully submits that there is another way to show that many species are disclosed in this application (each separate species presenting by separate embodiment proves that there are multiple inventions involved). The examiner regrets of any delay this restriction may cause to the applicant.

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species A: according to Figs. 1A-1D of the drawings;
- Species B: according to Figs. 2A-2B of the drawings;
- Species C: according to Fig. 6 of the drawings;
- Species D: according to Fig. 3A of the drawings;
- Species E: according to Fig. 4 of the drawings;
- Species F: according to Fig. 5 of the drawings;
- Species G: according to Fig. 6 of the drawings;
- Species H: according to Fig. 7 of the drawings;
- Species I: according to Fig. 8 of the drawings;
- Species J: according to Fig. 9 of the drawings;
- Species K: according to Fig. 10 of the drawings;
- Species L: according to Fig. 11 of the drawings.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

- 6. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is

allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

7. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. These references are considered pertinent to applicant's subject matters.

- **Tackbary** et al., (US Pat. 6,092,054 - 7/18/2000),
titled "Method and apparatus for communicating with a card distribution center for selecting, ordering, and sending social expression cards", wherein a system for communicating with a card distribution center for selecting, ordering, and sending social expression cards using a personal computer. The user can enter names and addresses of card recipients into the system wherein the information is maintained in a database. The system displays digitized images of the cards on a display screen which are retrieved from a card database. From the cards displayed, the user can select cards for designated recipients and enter personalized messages and a digitized signature. The user may then send the order to a card distribution center, which processes the order, retrieves and prints the selected card images, including any user messages or user signature, and mails the cards to designated recipients or customers. The system maintains a database of all recipients, addresses, associated occasions and dates, card preferences, relationships and order history.

- Spiegel et al., (US Pat. 6,629,079 - 9/30/2003),
titled: "Method and system for electronic commerce using multiple roles", wherein a computer system for conducting electronic commerce. The system provides multiple electronic shopping carts for each user. Each electronic shopping cart has an indication of items currently within the electronic shopping cart and billing and shipment information. The system generates a display that identifies each of the electronic shopping carts and sends the generated display to a user computer system. The system then receives a selection of one of the identified electronic shopping carts from the user computer system and receives a selection of an item from the user computer system. In response to receiving the selection of the item, the system adds the item to the selected electronic shopping cart. The system then receives an indication to checkout the items in the selected electronic shopping cart from the user computer system. In response to receiving the indication to checkout, the system ships the items in the selected electronic shopping cart in accordance with the shipment information of the selected electronic shopping cart and bills for the items in the selected electronic shopping cart in accordance with the billing information

for the selected electronic shopping cart. The system thus allows a user to select each of the electronic shopping carts for adding items to each electronic shopping cart.

- **Robertson**, (US Pat. 6,609,106 - 8/19/2003), titled: "System and method for providing electronic multi-merchant gift registry services over a distributed network", wherein an online Gift Registry Service provides registration of information for a gift registrant and allows access to the registry by potential gift giver users. In addition, users can tag items of interest at participating Service Provider (SP) sites and the SP sites will register these items with the Gift Registry Service on the user's behalf. It further provides a streamlined checkout process for purchasing these gift items with the registered SP sites (e.g. World Wide Web sites) over a distributed public network. Users and Service Providers (SP) initially register with the Gift Registry Service and are provided additional functionality. For users, a reminder service is provided to notify individuals automatically upon the trigger of certain events, such as important dates or product sales from online merchants. In addition, there are various occasion planning services available such as distribution lists, discussion groups, and other related resources for multiple

events including weddings, baby showers, etc. These other resources include sending out announcements, reserving halls, and contracting services of related businesses for the occasion. A distinct advantage of this system is that users can perform all the planning for the event online in the comfort of their home or office. Service Providers on the other hand, can register system notification messages to be triggered on pre-determined events. In addition, Service Providers can obtain marketing information to tailor their products and services.

- Sachs, (US Pat. 6,240,397 - 5/29/2001), titled:
"Method for transferring, receiving and utilizing electronic gift certificates", wherein a method for transferring, receiving and utilizing an electronic gift certificate in which the gift certificate is generated by a giver, including a selection of the value thereof, the gift certificate is transmitted to a recipient without an indicia of the value of the gift certificate, and for use of the gift certificate, the recipient is presented with only items to be purchased with the gift certificate whose value does not exceed the value of the gift certificate such that the recipient of the gift certificate is able to

select an item to purchase with the gift certificate without knowing the exact value of the gift certificate.

- Walker et al., (US Pat. 6,138,106 - 10/24/2000), titled: " Dynamically changing system for fulfilling concealed value gift certificate obligations", wherein a system and process for redeeming concealed value gift certificates with concealed value products. The gift certificates, purchasable by a buyer, represent a value stored in a database and concealed from the subsequent recipient/redeemer. Gift products are selected by the system operator and similarly stored in a database with their corresponding prices. Upon receipt of a gift certificate identifier, the corresponding value is retrieved from the database, and used to identify a selection of gifts affordable with the certificate. The gifts are then displayed to the redeemer, without revealing either the value of the certificate or the cost of the gifts. As gifts are selected for purchase by the redeemer, the concealed value of the gift certificate is reduced by the cost of the selected gifts, and new sets of affordable gifts are identified and displayed to the redeemer. Gifts may also be `returned,` and the value added back into the

concealed value of the gift certificate. The redeemer can thus select gifts in an interactive, game-type manner.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7 am - 330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VINCENT A. MILLIN can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CKN
Cuong H. Nguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625